

Message Text

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11

ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 L-03 CAB-09 CIAE-00 COME-00

DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 SS-15

NSC-10 IO-13 OIC-04 PA-03 PRS-01 USIA-15 H-03 A-01

SY-10 USSS-00 AID-20 JUSE-00 OMB-01 SCA-01 AF-10

ARA-16 EA-11 NEA-10 RSR-01 /205 W

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R 221603Z AUG 73

FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 1878

INFO AMEMBASSY BERN

AMEMBASSY COPENHAGEN

AMEMBASSY HELSINKI

AMEMBASSY LONDON

AMCONSUL MONTREAL

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

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MONTREAL FOR USREP ICAO

E.O. 11652: N/A

TAGS: ETRN, SW

SUBJECT: CIVAIR: ICAO EXTRAORDINARY ASSEMBLY/DIPLOMATIC CONFERENCE,
ROME

REF: STATE 158225

1. WE DISCUSSED SUBJECT OF UK/FRENCH/SWISS PROPOSAL TO ALTER
RULE OF PROCEDURE FOR ADOPTING CONVENTION WITH PROFESSOR MOK,
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WHI IS EXPECTED TO HEAD NETHDEL. MOK STATED STRONG SUPPORT FOR

OUR POSITION AND EXPRESSED FOLLOWING POINTS AFTER HEARING OUR
VIEWS DRAWN FROM REFTEL:

A. NOTING, AS REFERRED TO IN REFTEL, THAT TOKYO, HAGUE AND
MONTREAL CONVENTIONS WERE ADOPTED UNDER RULE BASED ON 2/3 OF
DELEGATIONS PRESENT AND VOTING (EXCLUDING ABSTENTIONS), TO CHANGE
VOTING RULE NOW COULD RAISE QUESTION OF VALIDITY OF VOTES ON
PREVIOUSLY ADOPTED CONVENTIONS.

B. DIPLOMATIC CONFERENCES WHICH HAVE BEEN HELD UNDER ICAO
AUSPICES, AS OPPOSED TO ICAO ASSEMBLIES, HAVE IN THE PAST OPER-
ATED UNDER RULE OF 2/3 OF DELEGATIONS PRESENT AND VOTING. THIS
PRECEDENT SHOULD BE FOLLOWED.

C. ARTICLE 9, PARA 2 OF 1969 VIENNA CONVENTION ON LAW OF
TREATIES PROVIDES FOR CONCLUSION OF AGREEMENTS ON BASIS OF
2/3 OF DELEGATIONS PRESENT AND VOTING UNLESS THIS PROVISION IS
ALTERED BY VOTE UNDER SAME REGULATIONS. MOK STATES THAT HE PLANS,
IF DISCUSSION AT ROME CONFERENCE REACHES THIS POINT, TO HOLD
THAT UNDER VIENNA CONVENTION ESTABLISHMENT OF PROPOSED NEW
RULE BY ROME CONFERENCE WOULD ITSELF REQUIRE 2/3 MAJORITY OF
DELEGATIONS PRESENT AND VOTING.
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Disposition Approved on Date:
Disposition Authority: smithrj
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
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Drafter: n/a
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Executive Order: N/A
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30 JUN 2005

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